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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/727,835

Applicant(s)

EDWARDS ET AL.

Examiner

Truc T Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

This communication is responsive to the Amendment filed 10/07/04.

Claims 1-61 are pending in this application. Claims 1, 9, 16-18, 24, 32, 40, 46, and 55 are independent claims. This action is made non-final.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 9-13, 16-19, 25-28, 33-36, 41-44, 46-50, and 56-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Ando et al. (U.S. Patent No. 5,777,614) in view of Kurahashi et al. (U.S. Patent No. 5,687,332).

As to claim 18, Ando teaches a system for indicating suggested user responses, comprising:

means for loading an image into first image-editing equipment (editing screen displayed, e.g., col. 3 lines 60-64, and fig. 7);

means for determining a set of said image using software (e.g., col. 3 line 60-col. 4 line 18, and figs. 7, 10, & 11);

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means for displaying an icon in conjunction with said image (e.g., figs. 7, 10, & 11); and

means for indicating a suggested user response to one of said problem using an animated icon (e.g., col. 3 line 60-col. 4 line 18, and figs. 7, 10, & 11, col. 8 lines 12-25 and figs. 7, 10 & 11); however, Ando does not clearly show determine a set of quality-related problems of the image. Kurahashi teaches an image storing/editing apparatus includes an image memory for storing the image, analyzes information for editing the image by a second information analyzer, and includes a second image-editing-information generator for generating information to edit the image in accordance with the analyzed information (Abstract). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have these highly desirable editing image features of Kurahashi in the editing support of Ando to save the user time/cost in analyzing the image.

As to claim 19, Ando teaches the system of claim 18, wherein said means for indicating includes means for indicating said suggested user response in response to matching a corrective function within said software with one of said set of quality-related problems (the gesture inputs relating system utilization status extraction means has a function of detecting a non-input status in a series of user operations and detecting incompleteness of the series of operations, and when the non-input status is detected, inquiring by the agent to the user to grasp the user status and conduct the user support in accordance with the status, e.g., col. 11 lines 5-11).

As to claims 1 and 2, they are method claims of system claims 18 and 19. Note the rejections of claims 18 and 19 above.

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As to claim 3, this is a method claim of claim system claim 19. Note the rejection of claim 19 above.

As to claim 4, Ando in view of Kurahashi teaches the method of claim 1, wherein said indicating includes proffering a tool icon by said animated icon (e.g., figs. 10-11).

As to claim 5, Ando in view of Kurahashi teaches the method of claim 1, wherein said indicating includes performing a related editing to said animated icon (the manner of display of the agent is changed in accordance with the operation process and the operation step of the system to provide the output which is easy to understand for the user, e.g., col. 10 lines 49-53).

As to claim 9 and 10, they are similar in scope to claims 18 and 19 above; therefore, rejected under similar rationale.

As to claim 11, it is individually similar in scope to claim 19 above; therefore, rejected under similar rationale.

As to claim 12, Ando in view of Kurahashi teaches the system of claim 10, wherein said indicator is a tool icon (e.g., figs. 7, 10 & 11).

As to claim 13, this is a system claim of method claim 5. Note the rejection of claim 5 above.

As to claim 16, this is a product claim of system claim 18. Note the rejection of claim 18 above.

As to claim 17, this is a network claim of system claim 18. Note the rejection of claim 18 above.

As to claim 25, Ando in view of Kurahashi teaches the method of claim 24, further comprising said second image-editing equipment determining a set of quality-related problems

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of said image using software, wherein said determining includes matching a corrective function within said software with one of said set of quality-related problems (the gesture inputs relating system utilization status extraction means has a function of detecting a non-input status in a series of user operations and detecting incompleteness of the series of operations, and when the non-input status is detected, inquiring by the agent to the user to grasp the user status and conduct the user support in accordance with the status, e.g., col. 11 lines 5-11).

As to claim 26, Ando in view of Kurahashi teaches the method of claim 25, further comprising said second image-editing equipment indicating said suggested user response, wherein said indicating includes indicating said suggested user response in response to said matching (the gesture inputs relating system utilization status extraction means has a function of detecting a non-input status in a series of user operations and detecting incompleteness of the series of operations, and when the non-input status is detected, inquiring by the agent to the user to grasp the user status and conduct the user support in accordance with the status, e.g., col. 11 lines 5-11).

As to claim 27, Ando in view of Kurahashi teaches the method of claim 24, further comprising said second image-editing equipment indicating said suggested user response, wherein said indicating includes indicating said suggested user response by proffering a tool icon by said animated icon (e.g., figs. 10-11).

As to claim 28, Ando in view of Kurahashi teaches the method of claim 24, further comprising said second image-editing equipment indicating said suggested user response, wherein said indicating includes performing a related editing to said animated icon (the manner of display of the agent is changed in accordance with the operation process and the operation

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step of the system to provide the output which is easy to understand for the user, e.g., col. 10 lines 49-53).

As to claims 33-36, they are product claims of method claims 25-28. Note the rejections of claims 25-28 above respectively.

As to claims 41-44, they are apparatus claims of method claims 25-28. Note the rejections of claims 25-28 above respectively.

As to claims 46-50, they are system claims of method claims 1, 25-28. Note the rejections of claims 1, 25-28 above respectively.

As to claims 56-59, they are system claims of method claims 25-28. Note the rejections of claims 25-28 above respectively.

3. Claims 6, 14, 20-24, 29-32, 37-40, 45, 51-53, 55, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (U.S. Patent No. 5,777,614).

As to claims 6, 14, 20, 29, 45, and 60, although Ando does not clearly teach of moving said animated icon to second image-editing equipment. It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to be able to move the same icon to different displayed windows to keep the familiar set up for the user.

As to claims 21-23, although Ando does not teach wherein said means for displaying includes means for loading said animated icon from a remote server. It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to download different animated icons from the remote server and to/from other users throughout the Network to help them get/sure more choice of icons with others.

As to claims 24, 40, and 55, this is a combination of claims 18 and 20 above.

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As to claim 30, although Ando does not teaches instructions for indicating suggested user responses, which, when executed by the processor, cause the processor to further perform receiving said animated icon from second image-editing equipment. It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to the editing software can be use by many including professors to make profit for the software company.

As to claims 31-32, they are product claims of method claims 23-24. Note the rejections of claims 23-24 above respectively.

As to claim 37, it is individually similar in scope to claim 30 above; therefore, rejected under similar rationale.

As to claims 38-39, they are system claims of method claims 22-23. Note the rejections of claims 22-23 above respectively.

As to claims 51-53, they are system claims of method claims 20, 22, and 23. Note the rejections of claims 20, 22, and 23 above respectively.

4. Claims 7, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (U.S. Patent No. 5,777,614) in view of Kurahashi et al. (U.S. Patent No. 6,215,498 B1) as applied above, and further in view of Herz et al. (U.S. Patent No. 5,835,087).

As to claim 7, Ando in view of Kurahashi teaches the method of claim 1 wherein said displaying includes loading said animated icon from a remote server (see claim 21 above) but does not teach the animated icon showing banner advertisements that trigger payments to said remote server of said banner advertisements. Herz clearly shows advertisements and electronic payments (e.g., col. 40 lines 28-43). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have these highly desirable features of



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advertisements and electronic payments taught by Herz in the Ando in view of Kurahashi's system to provide conveniences to all users when using the system.

As to claim 8, Herz also teaches where a user payment on a per-transaction basis is made (a message may also indicate the identity of target object and feedback information, e.g., col. 40 lines 37-51). See claim 7 above for motivation.

As to claim 15, this is a system claim of method claim 7. Note the rejection of claim 7 above.

5. Claims 54 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando, et al. (U.S. Patent No. 5,777,614) in view of Kurahashi et al. (U.S. Patent No. 6,215,498 B1) as applied above, and further in view of Hasegawa et al. (U.S. Patent No. 6,169,854 B1).

As to claims 54 and 61, Ando in view of Kurahashi clearly teaches the system is a computer system, but Ando's system is not located within a camera. Hasegawa teaches a camera having a display unit that displays operating information by icons regarding the functions of the camera (e.g., col. 4 line 56-col. 5 line 14, figs. 1-2, 6, and 8). It would have been obvious at the time of the invention that a person with ordinary skill in the art would want to have these highly controllable features of Hasegawa's camera loading in the modified Ando's system to provide more convenient operating features in one display unit for the users.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

03/07/05

  
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